

**For information**

**Legislative Council Panel on Transport**

**Amendments to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A)**

**PURPOSE**

This paper sets out our proposed amendments to the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A).

**PROPOSAL**

2. The Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) are regularly under review to ensure that they are up-to-date and able to meet present-day requirements. This paper sets out some proposed amendments to Cap. 374A. Details are set out below.

**Speed Display Devices**

3. To allow passengers of public light buses (PLBs) monitor the speed of the vehicles and hence deter speeding, we have made the installation of speed display device (SDD) mandatory for all PLBs through the relevant licensing conditions with effect from 30 April 2005. We propose to include construction and maintenance requirements of SDD in Cap. 374A, and to make misuse or malfunctioning of SDD an offence to increase deterrent.

**Speedometers**

4. The construction and maintenance requirements of speedometers are set out in Regulation 24 of Cap. 374A. The existing legislation allows the speedometer to display the speed of a vehicle within a margin of accuracy of plus or minus 10 per cent if and when the motor vehicle is being driven at a speed in excess of 15 km/h.

5. According to international standard<sup>1</sup>, speedometer must indicate the speed of a vehicle in a way that the actual speed is equal to or lower than the speed displayed by the speedometer. To align with international standard, we propose to amend Regulation 24 of Cap. 374A to the effect that such standard will apply to all newly registered motor vehicles.

### **Safer Seats for Student Service Vehicles**

6. The safety record of student service vehicles has been generally satisfactory as compared to other vehicle types<sup>2</sup>. Nevertheless, to render better protection to passengers of student service vehicles, who are mostly young children, we consider it necessary to further enhance the safety provisions in all rear seats of such vehicles. In particular, we have reviewed possible safety measures in respect of vehicle construction, namely the introduction of passenger seat belts and the use of safer seats.

7. Our review on overseas practices shows that there is as yet no consensus on the compulsory fitting and wearing of seat belts on student service vehicles. Supporters consider that seat belts would enhance passenger safety, but those against point to the practical difficulties in providing an appropriate type of seat belts that could suit young students of all age groups. In case of emergency, the seat belts may even prevent rapid egress of students from the vehicles as they may not be able to unfasten their seat belts quickly by themselves. There is also the question as to who should be held responsible if the seat belts are not worn.

8. Our review also indicates that in Canada and the United States, safer seats<sup>3</sup> adopted for use on student service vehicles have proved to be effective and provided a similar level of protection as seat belts to young students. In Canada, the number of injuries sustained by school bus users has been reduced by about 26% since the introduction of safer seats in 1975.

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<sup>1</sup> The international standard refers to the regulation established by Economic Commission for Europe of United Nations under the 1958 Agreement.

<sup>2</sup> In the past five years, the average number of accidents involving student service vehicles on school trips was 50 per year, accounting for around 0.33% of the total.

<sup>3</sup> Safer seats refer to strong, closely spaced seats with strong floor anchorage, high energy-absorbing seat back and fire-resistant seating upholstery, which would more effectively protect the passengers in the event of an accident.

9. Given the above findings, we propose as the next step forward to include in Cap. 374A construction and maintenance requirements that all newly registered student service vehicles shall be equipped with safer seats in accordance with specified standards.

### **Maximum Permitted Smoke or Visible Vapour Level**

10. Regulation 31 of Cap. 374A stipulates that every motor vehicle shall be so constructed and maintained that no excessive smoke or visible vapour is emitted therefrom. Smoke or visible vapour shall be deemed to be excessive if the emissions from the vehicle exceed the maximum permitted level specified in Part I of the Fourth Schedule to Cap. 374A. At present, the maximum permitted smoke or visible vapour level is 60 Hartridge Smoke Units (HSU) or  $2.13 \text{ m}^{-1}$ . The Commissioner for Transport (the Commissioner) would inspect the smoke or visible vapour level of motor vehicles during vehicle examinations.

11. Since 1988, vehicles that are found to be smoky by spotters of the Environmental Protection Department under the Smoky Vehicle Control Programme are required to be tested at a designated vehicle emission testing centre under Section 77B of the Road Traffic Ordinance (Cap. 374). On the advice of the Director of Environmental Protection in 1995 with the aim to improve roadside air quality, the Commissioner has set a tighter level<sup>4</sup> (i.e. 50 HSU or  $1.61 \text{ m}^{-1}$ ) for these smoky vehicles to ensure that they would be better maintained.

12. We propose to align the maximum permitted smoke or visible vapour level set out in Part I of the Fourth Schedule to Cap. 374A with the tighter level as mentioned in paragraph 11 above. Similar to the Smoky Vehicle Control Programme, the amended level will not apply to vehicles over 5.5 tonnes and manufactured before 1 January 1990.

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<sup>4</sup> Section 77F of Cap. 374 empowers the Commissioner to set the smoke limit for vehicles tested at a vehicle emission testing centre that is designated by the Commissioner under Section 77C of Cap. 374.

## **CONSULTATION**

13. The green minibus operators and the PLB associations representing red minibus operators have been consulted on the proposed amendments relating to SDD. The Motor Trader Association of Hong Kong has been consulted on the proposed amendments relating to speedometer. They in general supported the proposed amendments.

14. On the proposed amendments relating to safer seats, we have consulted the student service vehicle trade with representatives from operators and drivers of school buses and school private light buses who in general gave support.

15. Relevant associations representing the goods vehicle drivers, green minibus operators, red minibus operators, franchised bus companies, non-franchised bus companies and the trucking industry have been consulted on the proposed amendments relating to maximum permitted smoke or visible vapour level. All parties concerned in general had no objection to the proposed amendments.

## **WAY FORWARD**

16. We are preparing the relevant amendment regulations and aim to table them at the Legislative Council for negative vetting in the current session.

## **ADVICE SOUGHT**

17. Members are invited to note the proposed legislative amendments set out in paragraphs 3 to 12 above.

**Environment, Transport and Works Bureau**  
**April 2007**